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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 09-70015 EDL
Plaintiff,	)	
v.	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	EXCLUDING TIME UNDER FED. R. CRIM.
VINCENT MERTES,	)	P. 5.1 and 18 U.S.C. § 3161
Defendant.	)	

On February 24, 2009, the parties in this case requested via written stipulation, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on March 20, 2009. The parties now request that the Court change the date for the defendant's preliminary hearing or arraignment to April 9, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through April 9, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: March 13, 2009

/s/  
TAREK J. HELOU  
Assistant United States Attorney


DATED: March 13, 2009

/s/  
ANTHONY BRASS  
Attorney for VINCENT MERTES

For the reasons stated above, the Court finds that the extension of time for the defendant's preliminary hearing or arraignment through April 9, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 3/18/09

  
THE HONORABLE EDWARD M. CHEN  
United States Magistrate Judge